

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**LUIS F. LOPEZ ROSADO
DEBTOR(S)**

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**CASE NUMBER: 10-08677(SEK)
CHAPTER 13**

REPLY TO MOTION TO AVOID JUDICIAL LIEN

TO THE HONORABLE COURT:

COMES NOW creditor, María C. Cestero López, represented by the undersigned attorney to state as follows:

1. Debtor in the present case establish in his motion the he is entitle just to the 50% of the residence property in which the judicial lien was register, from a value of \$250,000 debtor request an interest in a property of the amount of \$125,000.
2. In his motion in allegation number seven, he stay that although he is just entitle to the 50% of the property, he request the complete pay off balance of the obligation over the mortgage, and we understand that he is entitle of half of the amount and also the ex-spouse of debtor, Digna Luz Salgado Ojeda, is entitle to pay the other balance of the mortgage, as to that the allegation that the obligation to pay mortgage is only to debtor because of the divorce decree does not have legal grounds because the divorce was a contract between debtor and ex-spouse an the bank was not party in this transaction and the bank was not obligate to collect the amount of the mortgage only to debtor, the bank could go against any of the borrowers, in this case debtor and ex-spouse.
3. Otherwise the judicial lien could be establish on the other half of ex-spouse, Salgado Ojeda, and any order avoiding judicial lien could be just on the participation of debtor in the property and not in the participation of ex-spouse, Salgado Ojeda.
4. Assuming "in arguendo" the position of brother counsel Jimenez, the participation of ex-spouse Salgado Ojedo, of \$125,000 have no payoff balance and has sufficiently equity to sustain the judicial lien plus interest as today.

WHEREFORE, we pray to the Honorable Court denied the motion to avoid judicial lien because the property and the participation of debtor has sufficiently equity to sustained the judicial lien or the alternative to stay the judicial lien in the 50% participation of ex-spouse, Salgado Ojeda, with any further remedies does the law could give

Certificate Of Service: I hereby certify that on this date copy of this motion has been electronically filed with the Clerk of the Court using the CM/ECF system which will sent notification of such filing to debtor(s) attorney and to Alejandro Oliveras Rivera, Trustee, and to all creditors as per master list.

Respectfully Submitted.

In Ponce, Puerto Rico, on May 6, 2011.

/s/ CARLOS FERNANDEZ NADAL
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